UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/084,567	02/27/2002	Yanchun Zhao	CA920010020US1	7960

25259	7590	06/01/2006

IBM CORPORATION
3039 CORNWALLIS RD.
DEPT. T81 / B503, PO BOX 12195
REASEARCH TRIANGLE PARK, NC 27709

EXAMINER
PATEL, NIRAV B

ART UNIT	PAPER NUMBER
2135	

DATE MAILED: 06/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	10/084,567	ZHAO ET AL.
	Examiner	Art Unit	
	Nirav Patel	2135	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>09 March 2006</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,2,4-6,8-15 and 18-23* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,2,4-6,8-15 and 18-23* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>27 February 2002</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All   b)☐ Some *   c)☐ None of:

      1.☒ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

1. Applicant's submission for RCE filed on March 9, 2006 has been entered.

2. Claims 1, 2, 4-6, 8-15, 18-23 are pending.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1, 5 and 13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As per claim 1, the limitation "receiving identification of an execution program set to be used to process said message received; retrieving identification of all message types associated with said execution program set" is not clear as intended to identify an execution program set or identification information of an execution program set. As per specification page 3 paragraph 010 doesn't provide further support and/or clarification on the claimed limitation. The limitation "receiving identification of an execution program set to be used to process said message received; retrieving identification of all message types associated with said execution program set" does not further limit the scope of claimed limitation and does not provide the further relationship with the claimed limitation.

Claim 5 and 13 encompass limitations that are similar to limitations of claim 1.

Thus, it is rejected with the same rationale applied against claim 1 above.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language. '

4. Claims 1, 2, 4-6, 8-15, 18, 19, 20-23 are rejected under 35 U.S.C. 102(e) as

being anticipated by Tarbotton et al (US Patent No. 6,757,830) and in view of Wagner

(US Patent No. 6,085,224).

As per claim 1, Tarbotton teaches:

intercepting said message before any content of said message is processed by said

server **[Fig.1 col. 3 lines 54-58]**; examining said message to determine if it contains

one or more unauthorized elements **[col. 4 lines 14-15]**; examination comprising:

receiving identification of an execution program set to be used to process said message

received (i.e. identifying a execution program set) **[Fig. 4, col. 7 lines 14-67,col. 8 lines**

1-14, Fig. 2 col. 4 lines 40-44, 46-49]; retrieving identification of all message types

associated with said execution program set (i.e. all message types (e.g. TEXT, HTML

etc.) associated with program set as defined in the rule set) **[Fig. 5 col. 8 lines 15-56,**

Fig. 2 col.4 lines 55-58]; examining said message received by said server in relation to

said message types associated with said execution program set **[Fig. 2 col. 6 lines 18-**

25, lines 44-47 col. 7 lines 57-65, col. 8 lines 9-15]; determining if said message

received by said server contains an unauthorized element in relation to the

corresponding message type for said message received **[col. 6 lines 44-49 Fig. 3 col.**

7 lines 57-65, col. 8 lines 9-15];

if it is determined that said message contains an unauthorized element preventing said

message received from being processed by said server **[col. 4 lines 62-65]**; if it is

determined that said message does not contain an unauthorized element allowing said

message received to be processed by said server **[col. 4 lines 59-62]**.

Tarbotton teaches that intercepting the message by the server [Fig. 2,1]. Tarbotton

doesn't expressively mention that message including information for constructing a

query (i.e. message or datastream including cookies or string or command) to access

data of server.

However, Wagner teaches that message including information for constructing a query

(i.e. message or datastream including cookies or string or command) to access data of

server [col. 15 lines 45-46, 51-60].

Therefore, it would have been obvious to a person of ordinary skill in the art at the time

the invention was made to combine Wagner with Tarbotton to detect the unauthorized

program or cookies or string embedded within the datastream, since one would have

been motivated to restrict access to resources or data on a computer [Wagner, col. 4

lines 7-9].

As per claim 2, the rejection of claim 1 is incorporated and further

Tarbotton teaches:

if it is determined that said message received contains an unauthorized element,

preventing said message received from being processed by said server, and causing an

error notification to be sent to said user **[col. 6 lines 49-53]**.

As per claim 4, the rejection of claim 1 is incorporated and is rejected for

the same reason set forth in the rejection of claim 2 above.

As per claim 5, it is rejected for the same reason set forth in the rejection of

claim 1 above.

As per claim 6, the rejection of claim 5 is incorporated and is rejected for

the same reason set forth in the rejection of claim 2 above.

As per claim 8, the rejection of claim 5 is incorporated and is rejected for

the same reason set forth in the rejection of claim 2 above.

As per claim 9, the rejection of claim 8 is incorporated and further Tarbotton teaches:

if it is determined that said message received does not contain an unauthorized element, allowing said message received to be processed by said serve **[col. 4 lines 59-62].**

As per claim 10, the rejection of claim 1 is incorporated and further Tarbotton teaches:

said message comprises a name-value pair **[Fig. 4].**

In addition, Wagner teaches that the message comprising a name value pair [col. 15 lines 51-54].

As per claim 11, the rejection of claim 10 is incorporated and further Tarbotton teaches:

element comprises one or more of the following items: an instruction, a command, a character, a parameter, a token, or a string of any of said previous items **[col. 6 lines 22-24].**

In addition, Wagner teaches element comprises one or more of the following items: an instruction, a command, a character, a parameter, a token, or a string of any of said previous items [col. 15 lines 51-60, col. 16 lines 5-15].

As per claim 12, the rejection of claim 10 is incorporated and further

Tarbotton teaches:

element is interpretable as an instruction or command by said server **[col. 6 lines 22-**

24].

As per claim 13, it is an apparatus claim corresponds to a method claim 1

and is rejected for the same reason set forth in the rejection of claim 1 above.

As per claim 14, the rejection of claim 13 is incorporated and further

Tarbotton teaches:

network server comprises an Internet network server and said message is

received over the Internet by said server from a user **[Fig. 1]**.

As per claim 15, the rejection of claim 13 is incorporated and is rejected

for the same reason set forth in the rejection of claim 2 above.

As per claim 18, the rejection of claim 13 is incorporated and further

Tarbotton teaches:

said message comprises a name-value pair and said element is contained

by said name-value pair **[Fig. 4]**.

As per claim 19, the rejection of claim 18 is incorporated and it is an apparatus claim corresponds to a method claim 11 and is rejected for the same reason set forth in the rejection of claim 11 above.

As per claim 20, the rejection of claim 19 is incorporated and it is an apparatus claim corresponds to a method claim 12 and is rejected for the same reason set forth in the rejection of claim 12 above.

As per claim 21, the rejection of claim 1 is incorporated and Tarbotton teaches the message type [Fig. 5]. Tarbotton doesn't expressively mention that *single token; string;* multiple tokens without keywords: OR, UNION and SEMI-COLON; multiple tokens without keywords: UNION and SEMI-COLON; multiple tokens without keywords: SEMI-COLON; and multiple tokens without restriction.

However, Wagner teaches:

the message types are chosen from the group consisting of:

> *single token (i.e. cookies);*
>
> *string;*
>
> multiple tokens without keywords: OR, UNION and SEMI-COLON;
>
> multiple tokens without keywords: UNION and SEMI-COLON;
>
> multiple tokens without keywords: SEMI-COLON; and
>
> multiple tokens without restriction [col. 15 lines 51-60].

As per claim 22, the rejection of claim 5 is incorporated and is rejected for the same reason set forth in the rejection of claim 21 above.

As per claim 15, the rejection of claim 13 is incorporated and is rejected for the same reason set forth in the rejection of claim 21 above.

Response to Amendment

Applicant's arguments filed February 9, 2006 have been fully considered but they are not persuasive.

Applicant argues that:

Tarbotton doesn't teach or suggest that the email itself is examined for message types and that its scan for unwanted properties makes a determination in relation to the message type for the email message and further Tarbotton doesn't teaches the message type.

Examiner maintains that:

Tarbotton teaches that examining said message received by said server in relation to said message types associated with said execution program set **[Fig. 2, 4, 5 col. 6 lines 18-25, lines 44-47, col. 7 lines 57-65, col. 8 lines 9-15]**; determining if said message received by said server contains an unauthorized element in relation to the corresponding message type for said message received **[Fig. 4, 5 col. 7 lines 57-65, col. 8 lines 9-15, Fig. 3 col. 6 lines 44-49]**.

Further, Tarbotton teaches the message type (Text, HTML etc.) [Fig. 5]. Wagner teaches the message types *single token (i.e. cookies); string* [col. 15 lines 51-60]. In this case, the combination of Tarbotton and Wagner teach the claimed subject matter and the combination is sufficient.
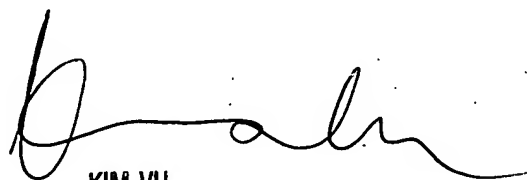
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nirav Patel whose telephone number is 571-272-5936. The examiner can normally be reached on 8 am - 4:30 pm (M-F).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached on 571-272-3859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

NBP
5/26/06

KIM VU
SUPERV   EN   YAMINER
TECHNOLOG